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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 4th meeting
Held at Headquarters, New York, on Monday, 9 June 2008, at 10 a.m.

Chairman: Mr. Natalegawa ..... (Indonesia)

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08-37227 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Special Committee decision of 14 June 2007 concerning Puerto Rico (A/AC.109/2008/L.3 and L.7)

2. The Chairman informed the Committee that the delegations of Ecuador, Nicaragua and Panama wished to participate in the Committee's consideration of the item.

Draft resolution A/AC.109/2008/L.7

3. **Mr. Malmierca Diaz** (Cuba), introducing draft resolution A/AC.109/2008/L.7, said that it stressed the urgent need for the Government of the United States to lay the groundwork for a process that would allow the Puerto Rican people to exercise its inalienable rights to self-determination and independence, and reiterated that the Puerto Rican people constituted a Latin American and Caribbean nation that had its own unequivocal national identity. It also referred to the principle that any initiative for the solution of the political status of Puerto Rico should originate from the people of Puerto Rico. It again urged the Government of the United States to complete the return to the Puerto Rican people of occupied land and installations on Vieques Island and in Ceiba, and to expedite the cleaning up and decontamination of areas used for military exercises.

4. The draft resolution expressed concern about continued violent actions against Puerto Rican independence fighters, called once more for the release of Puerto Rican political prisoners held in United States prisons, and requested the General Assembly to consider the question of Puerto Rico comprehensively in all its aspects. He hoped that the draft resolution would be adopted by consensus.

Hearing of petitioners (aide-mémoire 04/08 and Add.1)

5. **The Chairman** drew attention to the further requests for hearing contained in the addendum to aide-mémoire 04/08. He took it that the Special Committee wished to accede to those requests.

6. *It was so decided.*

7. *At the invitation of the Chairman, Ms. Romany-Siaca (Colegio de Abogados de Puerto Rico) took a place at the petitioners' table.*

8. **Ms. Romany-Siaca** (Colegio de Abogados de Puerto Rico) recalled that the question of Puerto Rico had been under consideration by the Special Committee since 1972. Despite repeated assertions in some quarters that the Committee was trying to intervene in an "internal matter", the general consensus now was that a colonial relation did, indeed, exist. Even the current Puerto Rican authorities had come around to the position of demanding decolonization on the basis of sovereignty. The time had come for the General Assembly to consider the matter; the Puerto Rican people were in urgent need of social and economic development.

9. Her organization had taken a leadership role in providing for a procedural mechanism — constitutional assembly on Status that would permit the articulation of non-colonial alternatives that would not be subject to the United States Constitution. Such an assembly would entail the abolition of the Puerto Rico Federal Relations Act and would be based on the sovereignty of the people of Puerto Rico. It would facilitate an open channel of communications free of colonial ties, and facilitate the dialogue process supported by the United Nations in similar situations, thereby justifying the support of the Committee and of the General Assembly.

10. Intervention by the General Assembly would end acceptance of the idea that exercise of the right to self-determination required the authorization of the United States Congress; that was tantamount to suggesting that a jailer should be asked for the key to the jail. It would also show the Puerto Rican people that they had the support of the international community in their demand for respect as a sovereign nation. Such recognition was already increasing, as evidenced by proclamations adopted by the Latin American and Caribbean Congress for the Independence of Puerto Rico and by the Summit of the Movement of Non-Aligned Countries.

11. *Ms. Romany-Siaca withdrew.*

12. *At the invitation of the Chairman, Mr. Lozada Pérez (American Association of Jurists) took a place at the petitioners' table.*

13. **Mr. Lozada Pérez** (American Association of Jurists) noted that the Committee's annual resolutions and recommendations had helped start a debate on the colonial question that had, inter alia, led people to express indignation at the impunity granted to those who had murdered young Puerto Rican patriots and leaders, and at the persecution of members of the independence movement by United States federal judiciary and police authorities and had put an end to American military exercises in the Puerto Rican archipelago and to proposed investments that would have threatened its environment and ecology.

14. In the light of the long history of attempts by the federal judicial and police authorities of the United States to prosecute, jail and murder supporters of the independence movement in Puerto Rico, it was time for the General Assembly to intervene. Far from benefiting from their colonial status, the Puerto Rican people suffered from alarming levels of poverty and alienation, with the attending high rates of crime and other indicators of social dysfunction. Furthermore, colonialism was instilling in its population a psychology of dependence and passivity.

15. Independence was the key to a sustainable economy and social development. Without independence, so-called "free association" with any other country was impossible. He therefore urged the United States to comply with the principles of General Assembly resolution 1514 (XV) and to cease persecuting Puerto Ricans who called for independence. Finally, he recommended that the General Assembly should take up the issue of Puerto Rico, the world's oldest colony, as a matter of urgency.

16. *Mr. Lozada Pérez withdrew.*

17. *At the invitation of the Chairman, Mr. Berríos Martínez (Puerto Rican Independence Party) took a place at the petitioners' table.*

18. **Mr. Berríos Martínez** (Puerto Rican Independence Party) said that until such time as Puerto Rico achieved independence, it could not be said that Latin America was fully independent.

19. Like slavery or apartheid, colonialism could not be excused by claiming that it had been consented to or accepted by its victims. The prohibition of colonialism had become an absolute standard in international law. Although the Government of the United States now publicly accepted that Puerto Rico continued to be a possession — in other words a colony — for nearly half a century only the revolutionary Government of Cuba, Puerto Rican activists and the occasional Latin American country, had dared to speak of Puerto Rico's real status before the Committee. Times had indeed changed, as underscored by the presence in the Committee of an unprecedented number of delegations from Latin American nations who supported the draft resolution. Their message was clear: correcting the anomaly of Puerto Rico's colonial status was priority for the entire continent.

20. Noting that the United States was seeking a coherent policy towards Latin America for the twenty-first century, he said that, in order to be reasonable, such a policy must be based on respect for independence and non-intervention, acceptance of differences, and shared interest in promoting economic and social development. The United States could demonstrate a new policy of respect for Latin America by agreeing to the independence of Puerto Rico. Adoption of the draft resolution currently before the Committee would be an essential first step in the direction of bringing the issue before the General Assembly and, ultimately, inducing the United States to fulfil its decolonization obligations under General Assembly resolution 1514 (XV).

21. *Mr. Berríos Martínez withdrew.*

22. *At the invitation of the Chairman, Ms. Susler (National Lawyers' Guild International Committee) took a place at the petitioners' table.*

23. **Ms. Susler** (National Lawyers' Guild International Committee) stressed the need for the General Assembly to consider the case of Puerto Rico and, in that connection, she cited the case of Filiberto Ojeda Ríos, the clandestine leader of the Boricua Popular Army, who she claimed had been assassinated by a commando squad of the United States Federal Bureau of Investigation (FBI). Not only had the United States Government refused to cooperate with the investigation into the death, but it had covered up the circumstances of the assassination. While the report by the Inspector General's Office of the United States Department of Justice acknowledged that there had been multiple irregularities in the way the operation had been carried out, it had ultimately absolved the FBI of wrongdoing, and the Puerto Rico Department of Justice had refused to prosecute any of those responsible for the assassination.

24. She also cited — as examples of the disproportionate sentences imposed by the United States authorities on persons supporting independence for Puerto Rico — the cases of Carlos Alberto Torres and Oscar López Rivera both of whom had been convicted of seditious conspiracy and sentenced to terms of 70 years in prison, even though they had not killed or harmed anyone.

25. She therefore urged the Committee to adopt a resolution calling for the General Assembly to consider the case of Puerto Rico, and calling on the United States to indicate its commitment to General Assembly resolution 1514 (XV) by releasing all Puerto Rican political prisoners; ceasing the use of the United States legal system to repress the independence movement; prosecuting those responsible for Ojeda Ríos' extrajudicial execution; and withdrawing FBI and other United States intelligence, military and judicial agents of repression from Puerto Rico. Furthermore, the United States should cease application of the death penalty in Puerto Rico, return all lands taken from the people of Vieques, and respect the will of the people of Puerto Rico to convene a constituent assembly.

26. *Ms. Susler withdrew.*

27. *At the invitation of the Chairman, Mr. Solermari (Fundación Acción Democrática Puertorriqueña) took a place at the petitioner's table.*

28. **Mr. Solermari** (Fundación Acción Democrática Puertorriqueña) noted that in 2004, the International Court of Justice had recognized the right to self-determination as an *erga omnes* right. Therefore, the Special Committee should warn the United States of America that it was unacceptable to refer to Puerto Ricans as United States citizens residing in Puerto Rico; that definition failed to recognize Puerto Ricans' distinct national identity, which predated the statutory citizenship conferred by the Organic Act of Puerto Rico in 1917. He called on the Special Committee to place special emphasis on the case of Puerto Rico in its report to the General Assembly and to recommend that the General Assembly review the case and adopt a resolution reiterating the Puerto Rican people's inalienable right to self-determination and independence. The Special Committee should also urge the United States to set in motion a just and equitable process of self-determination within a year. That process must include the release of Puerto Ricans incarcerated by the United States as a result of their activism in favour of Puerto Rican sovereignty and independence.

29. H.R. 900, a draft bill that called for a referendum that would give Puerto Ricans the option to vote for continued Commonwealth status or for a path toward a permanent non-territorial status, remained under consideration in the United States House of Representatives. Therefore, the Special Committee should urge the United States to create a level playing field for all options for full self-government recognized as valid by General Assembly resolutions 1541 (XV) and 2625 (XXV). He reiterated his foundation's support for a Constitutional Assembly on Status to which the Puerto Rican people could elect representatives from political parties and civil society, in order to choose from the available options and to negotiate a mutually acceptable transition with the United States Government.

30. His foundation had been forced to launch an international campaign to raise awareness of the interference in local affairs by United States federal authorities. One example, exposed by renowned journalist Robert Woodward, was the combined effort of the United States Central Intelligence Agency and the Marines in 1968 to establish the conservative Partido Nuevo Progresista, which favoured statehood.

31. Finally, the United States federal prosecutor's office had indicted the current governor, Anibal Acevedo-Vilá, alleging mismanagement of campaign funds from a previous election and leaking biased information to the press before making a formal accusation. Those actions had led many to believe that the prosecutor's office was attempting to influence the 2008 gubernatorial election in favour of the opposing party's candidate Luis Fortuño, who was aligned with George W. Bush's Republican party. He denounced the hypocrisy of United States federal authorities, who claimed to respect the inalienable right to self-determination while intervening in Puerto Rican electoral processes.

32. *Mr. Solermari withdrew.*

33. *At the invitation of the Chairman, Mr. Calero (Socialist Workers Party) took a place at the petitioner's table.*

34. **Mr. Calero** (Socialist Workers Party) condemned the United States Government's use of Federal Grand jury investigations to fabricate charges against

pro-independence activists and workers. He also denounced the colonial Government's decertification of the Puerto Rican Federation of Teachers, an attack that had been preceded by an FBI raid on the Puerto Rican Aqueduct and Sewer Authority under the hypocritical pretense of fighting corruption. Such attacks, if allowed to go unpunished, would embolden the Government and its political police to persecute other unions, both in Puerto Rico and the United States.

35. The FBI war on the pro-independence movement and Puerto Rican unions proved that Puerto Rico was indeed a United States colony. A successful struggle for Puerto Rican independence would constitute a powerful blow against the common oppressors — a governing elite of multimillionaire families — and would therefore be in the interest of the majority of the people in the United States. The Government had used Puerto Rico as a springboard for launching aggression against other countries. In the context of the so-called war on terrorism, the Pentagon had recently reestablished its fourth naval fleet to conduct operations in the Caribbean and South America, directly threatening the Cuban and Venezuelan people as well as any who would challenge United States hegemony.

36. He joined earlier speakers in calling for the immediate release of Puerto Rican independence fighters being held in United States prisons, noting that harassment and arrests of Puerto Rican independence fighters were part of a general trend of violation of political rights by the United States Government. Puerto Rico's colonial domination reinforced systematic discrimination, racism and police brutality against Puerto Ricans residing in the United States, ensuring their status as second-class citizens. The resistance of immigrant workers against dangerous working conditions, arrests and deportations and their demands that they be recognized as workers, not criminals, had become a major obstacle to the Government's attacks on labour and the main support for the Puerto Rican independence movement. The Cuban revolution had shown that it was possible for working people to win genuine independence from United States imperialism and had disproven the United States' arrogant claims that independence would lead Puerto Rico to ruin.

37. *Mr. Calero withdrew.*

38. *At the invitation of the Chairman, Mr. Acevedo-Vilá (Governor of Puerto Rico) took a place at the petitioner's table.*

39. **Mr. Acevedo-Vilá** (Governor of Puerto Rico) said that he had always maintained that the process of Puerto Rican self-determination had begun with the establishment of the Commonwealth but had not yet concluded. In 1953, at the request of the United States, the General Assembly had concluded that, with the Commonwealth, the Puerto Rican people had achieved a new constitutional status and had been invested with attributes of sovereignty. In direct contradiction to the declarations made in 1953, the 2007 report by the President's Task Force on Puerto Rico's status, which reflected the official position of the United States Government on the issue, contained several offensive conclusions and falsehoods. Inter alia, in order to prevent future development of the Commonwealth status, it concluded that Puerto Rico's only options were independence or statehood and it stated that the United States could surrender Puerto Rico to the sovereignty of another country, as if the Commonwealth were merchandise.

40. In a recent letter to United States Secretary of State Rice, he had denounced the Government's contradictory stance on Puerto Rico as fraudulent. He had also called upon the United States to formally notify the United Nations of its new position on the matter and to assume the legal consequences of the change, as it could not adopt one position for domestic purposes and another before the international community. Puerto Ricans had the right to a just and balanced process leading to independence, statehood or further growth under the Commonwealth status. He noted, however, that presidential candidate Barack Obama had rejected the report's conclusions. That seemed to suggest that the erroneous Puerto Rico policy of the Bush administration could be changed.

41. He called upon the Committee to request clarification on the inconsistencies of United States policy on the Commonwealth status between the 1953 resolution and the current report. The Committee should also seriously consider the United States Government's interference in local affairs and the refusal of FBI agents to cooperate with the Puerto Rican Government investigation into the death of Filiberto Ojeda. Finally, it formally request the inclusion of the case of Puerto Rico on the agenda of the General Assembly.

42. Referring to the views of Georgetown legal expert Thomas Alexander Aleinikoff, who had posited that, with the mutual consent of the United States Congress and the Puerto Rican people, a new understanding of sovereignty and autonomous entities could develop that allowed for shared powers and cultural and political autonomy within the United States Constitutional system, he said that he personally favoured autonomy over the other options, as did a majority of Puerto Ricans. He also advocated the right to sovereignty for the Puerto Rican people through the development of the Commonwealth status, favouring the Constitutional Assembly as a mechanism to decide on status-related matters. Sovereignty was not synonymous with independence; rather, it amounted to the power of a people to make ultimate decisions about its future — be it statehood, independence or further development under Commonwealth status — and work towards improved quality of life and economic conditions.

43. *Mr. Acevedo-Vilá withdrew.*

44. *At the invitation of the Chairman, Mr. Villanueva Muñoz (Comité Pro Derechos Humanos de Puerto Rico) took a place at the petitioner's table.*

45. **Mr. Villanueva Muñoz** (Comité Pro Derechos Humanos de Puerto Rico) said that it was generally agreed that the United States was interfering in Puerto Rican local affairs, as demonstrated, inter alia, by the FBI operative's complicity in the assassination of Filiberto Ojeda; the Bureau's refusal to provide information to the Puerto Rican authorities conducting the criminal investigation; and the fact that federal authorities had sought to push for the death penalty, in a recent case, even though such a penalty was permitted under the Puerto Rican Constitution.

46. He pointed out that Puerto Ricans had been incarcerated for trying to fight the colonial regime imposed in 1952. Since the United States Government actually acknowledged that Puerto Rico's existing status did not provide for full democracy, he wondered how independence fighters could be prosecuted for combating an anti-democratic system. Moreover, the United States Government should act consistently; it was hard to see how it could call for the release of political prisoners in other countries when it refused itself to release Puerto Rican independence fighters. Some of the latter had been incarcerated for long periods, some for nearly three decades.

47. *Mr. Villanueva Muñoz withdrew.*

48. *At the invitation of the Chairman, Mr. Colón Almenas (Movimiento Socialista de Trabajadores) took a place at the petitioner's table.*

49. **Mr. Colón Almenas** (Movimiento Socialista de Trabajadores), recalling that Puerto Rico had been under political, military and economic domination by the United States for the past 110 years, called upon the Committee to demand that the United States and the General Assembly recognize the Puerto Rican people's right to self-determination.

50. Noting inter alia that members of leftist political parties who had denounced the constitutional status outlined in General Assembly resolution 748 (VIII) as a farce had been tortured, incarcerated or even killed to repress the pro-independence ideal, that Puerto Rico's current colonial situation enabled industries that polluted to take advantage of federal environmental regulations that were lax compared to those in effect in the United States, and that Puerto Ricans often enlisted in the United States armed forces as a result of economic hardship and that a disproportionate number of them had fallen in combat, said that the island's possibilities for competition in regional markets as an independent country had been hobbled by colonial domination, and that the Puerto Rican economy produced what it did not consume and consumed what it did not produce.

51. Accordingly, he expressed the hope that the Committee would recognize the urgency of addressing the case of Puerto Rico and that it would denounce the existing colonial domination as unacceptable and affirm the necessity to seek non-territorial, anti-colonial solutions. Finally, his organization demanded the immediate and unconditional transfer of the illegally appropriated sovereign powers back to the Puerto Rican people.

52. *Mr. Colón Almenas withdrew.*

53. *At the invitation of the Chairman, Mr. Maldonado López (Estudiantes de Estudios Pre-Jurídicos) took a place at the petitioners' table.*

54. **Mr. Maldonado López** (Estudiantes de Estudios Pre-Jurídicos) said that previous discussions on Puerto Rico, which had focused on regulatory and legal aspects, had not produced any results and that issues relating to the ambivalent status of the island still remained to be addressed, more urgently than ever.

Puerto Rico was subject to federal laws of the United States of America over which it had no control, while its people were suffering from sharp increases in the cost of living due to the international situation and the poor administration of previous governors. Under applicable laws on maritime transport Puerto Rico was obliged to use United States shipping for the transport of goods between the island and the mainland; if those laws were rescinded, it would be able to save $150 million a year. Despite a higher level of poverty, it was, in fact, subsidizing the mainland population. The law also protected the United States in cases of crimes, particularly assassinations. He called for all the necessary constitutional changes that would enable Puerto Rico to exercise its right to self-determination.

55. *Mr. Maldonado López withdrew.*

56. *At the invitation of the Chairman, Mr. Hernández López (Frente Autonomista) took a place at the petitioners' table.*

57. **Mr. Hernández López** (Frente Autonomista) said that the United States had cheated on the promises it had given 50 years earlier and had continued to postpone decisions of crucial importance to Puerto Rico. It controlled Puerto Rican ports and air space, which were used for trafficking in drugs and weapons, while its corporations determined the price of the basic commodities available to the Puerto Rican people, including milk. Puerto Rico had rejected the death penalty, but the United States continued to apply it, and its authorities prevented investigation into the murder of Puerto Rican patriots. The United Nations had also failed the Puerto Rican people, who were obliged to send their representatives on a yearly pilgrimage to the Committee without any real result. He urged that the issue of the status of Puerto Rico be referred to the General Assembly. The people were ready for a constitutional assembly that would enable Puerto Rico to exercise its sovereign rights in accordance with international law.

58. *Mr. Hernández López withdrew.*

59. *At the invitation of the Chairman, Mr. Castillo (Partido Nacionalista de Puerto Rico) took a place at the petitioners' table.*

60. **Mr. Castillo** (Partido Nacionalista de Puerto Rico) denounced colonialism as a crime against humanity and called on all free countries to give their support to Puerto Rico's fight for freedom and independence. The Committee continued to play an important role in that process, by keeping the issue alive in people's minds, particularly in the context of the current Second International Decade for the Eradication of Colonialism (2001-2010). He urged the United States Government to guarantee the Puerto Rican people's legitimate right to self-determination and to cease harassing, murdering and arresting Puerto Rican freedom fighters. Puerto Rico had retained its own national identity, despite the presence of the United States, and should be allowed to establish a sovereign constituent assembly to carry through the process of decolonization, in accordance with General Assembly resolution 1514 (XV).

61. The United States had looted the territory's natural resources, polluted its environment and prevented it from controlling its own borders, so that cocaine trafficking had become rife. Moreover, it had pushed its own models of consumption on the people, most of whom lived below the poverty line and suffered from very high levels of personal debt. The problems besetting Puerto Rico would not be solved until the island gained its freedom and independence.

62. *Mr. Castillo withdrew.*

63. *At the invitation of the Chairman, Mr. Garriga-Picó (State Senator) took a seat at the petitioners' table.*

64. **Mr. Garriga-Picó** (State Senator) said that it was high time the invidious oppression from which Puerto Rico suffered was lifted. There were grounds for hope, in view of the consensus that had emerged in Puerto Rico across the political spectrum that the status of the territory did not meet the requirements of General Assembly resolution 1514 (XV). Supporters of a federal State and champions of independence also agreed that steps needed to be taken to remedy the situation, and they had recently been joined by a group he referred to as the status quo-ists, which had changed its position on the subject. The Committee would need to look carefully at the proposals of that group to ensure that they complied with democratic principles and that they could be put into effect within the proper constitutional framework. One such proposal, for the convening of a sovereign constitutional assembly to define a new status for Puerto Rico, unlimited by the authority exercised over the territory by the United States Congress, would not only violate constitutional law but also run counter to the express wishes of the

overwhelming majority of the Puerto Rican people, who had long supported the continued exercise of that authority.

65. Furthermore, while all the Puerto Rican political parties recognized the island's right to self-determination, in accordance with General Assembly resolution 1514 (XV), only a tiny minority of the population were ready to rally behind the idea of independence. Alternatives, in particular that of sovereign free association, supported by a small group of intellectuals, must be considered in the light of General Assembly resolution 1541 (XV). The Committee must not allow the Puerto Rican people to make the mistake of aspiring once again for an alternative status that would not be in accordance with public international law. It should recommend that the issue be placed before the General Assembly as a matter of urgency.

66. The United States was violating the rights of four million American citizens residing in Puerto Rico, in particular their right to participate fully in national life, to be represented and their right to equality of treatment. The United States Congress had never directly and formally consulted the Puerto Rican people on the status of the territory, as required by the 1898 Treaty of Paris. The Organization of American States had established that a people could not be permanently deprived of the right of representation in the national government. The people of Puerto Rico accordingly demanded the right to vote for their head of State, the President of the United States. They would continue, by every possible means, to right and seek reparation for the wrongs that had been done them. He called for the Committee's full support to that end, so that Puerto Rico could fully exercise its right to self-determination and perhaps indeed demand to be recognized as the fifty-first state of the United States of America.

67. *Mr. Garriga-Picó withdrew.*

68. *At the invitation of the Chairman, Mr. Vega Ramos (Popular Democratic Party, Puerto Rican House of Representatives) took a place at the petitioners' table.*

69. **Mr. Vega Ramos** (Popular Democratic Party, Puerto Rican House of Representatives) recalled that, although in 1952, the Constituent Convention of Puerto Rico had reserved the right of future generations to achieve self-determination and the United States had undertaken to accede to subsequent requests by Puerto Rican citizens for an increase in their political powers and freedoms, President Bush had recently reneged on that undertaking, claiming that Puerto Rico was a territorial possession that could be disposed of without the consent of its people.

70. The General Assembly of the Popular Democratic Party had recently reaffirmed the irrevocable sovereignty of the Puerto Rican people as the basis of a non-colonial and non-colonial associative relationship with the United States, in accordance with international law. Any process of self-determination must clearly take that into account. He expressed the hope that the right to self-determination of the Puerto Rican people would be translated into reality, through the convening of a constitutional assembly on status.

71. Finally, recalling that, although the General Assembly had recognized — in resolution 748 (VIII) — that the establishment of the Free Associated State of Puerto Rico was one stage along the way towards self-government, the United States had never allowed the people to exercise their sovereign right to self-determination. He urged the Committee to recommend that the General Assembly take up the issue again.

72. *Mr. Vega Ramos withdrew.*

73. *At the invitation of the Chairman, Mr. Santos (Organización Autonomista Pro Estado Libre Asociado de Puerto Rico (PROELA)) took a place at the petitioners' table.*

74. **Mr. Santos** (Organización Autonomista Pro Estado Libre Asociado de Puerto Rico (PROELA)) urged the Committee to refer the case to the General Assembly for an expedient decision, recalling that the United States Government had lied, in 1953, by implying that Puerto Rico was a self-governing territory. The 2007 reports by the United States President's Task Force on Puerto Rico's Status had confirmed this for it had established that Puerto Rico was subject to Congress' plenary authority under the Territory Clause of the United States Congress, and that Congress could dispose of the territory as it wished.

75. In addition, he pointed out that the United States Government had recently brought a variety of charges against the Governor of Puerto Rico. The legal community in Puerto Rico had concluded that the charges were politically motivated, for, not only could

similar charges be brought against the entire United States Congress, but the charges had been brought after the Governor had condemned the attempt by the federal authorities to investigate the assassination of Filiberto Ojeda Ríos, a symbol of the Puerto Rican Independence Movement.

76. It was therefore clear that the General Assembly should consider the question of Puerto Rico as a separate item.

77. *Mr. Santos withdrew.*

78. *At the invitation of the Chairman, Ms. González Árias (Coalición Puertorriqueña contra la Pena de Muerte) took a place at the petitioners' table.*

79. **Ms. González Árias** (Coalición Puertorriqueña contra la Pena de Muerte) said that Puerto Rico was the only jurisdiction in the world in which although the people had taken steps to ban the death penalty, including through legislation and the Constitution, such punishment was nonetheless imposed by virtue of United States legislation. In addition, it was the only nation in which death penalty proceedings were conducted in a language different from the people's native tongue. Finally, Puerto Ricans could be extradited to face the death penalty anywhere in the United States even if the Government of the Commonwealth of Puerto Rico opposed it or attempted to impose conditions on such extradition.

80. Although no death penalty conviction had been achieved by the federal authorities, five such cases were still pending in the Federal District Court of Puerto Rico. Moreover, since jury selection for death penalty cases was based on the candidates' comprehension of the English language an overwhelming majority of the population was precluded from the selection process as Spanish was Puerto Rico's official language. The jury therefore could not be said to truly represent the Puerto Rican community.

81. The Government of Puerto Rico had requested to be exempted from application of federal legislation on the death penalty; however, no legislation had as yet been presented to Congress to address that request. The Coalición Puertorriqueña contra la Pena de Muerte requested the Committee to urge the General Assembly to discuss the critical conflict existing between Puerto Rico's right to self-determination and the application of the death penalty within its territory by the United States and furthermore requested that the Committee adopt a resolution demanding that the United States Government immediately stop application of the federal death penalty statute on the people of Puerto Rico.

82. *Ms. González Árias withdrew.*

83. *At the invitation of the Chairman, Mr. Cafiero (COPPPAL) took a place at the petitioners' table.*

84. **Mr. Cafiero** (President, Conferencia Permanente de Partidos Políticos de América Latina y el Caribe (COPPPAL)) said that, since its creation, COPPPAL had supported the decolonization and independence of Puerto Rico. It endorsed the draft resolution currently before the Committee and underlined, in particular, the applicability of General Assembly resolution 1514 (XV); the need for the United States Government to assume its responsibilities with regard to the decolonization of Puerto Rico; and the request made of the General Assembly to consider the question of Puerto Rico comprehensively in all its aspects. Those points were especially important, in light of the recent claims by the United States President that Puerto Rico was merely a territory of the United States and subject to the plenary authority of the United States Congress. The international community could no longer have any doubt that it was critical for the General Assembly to take action in order to end the colonial regime. As long as Puerto Rico was not free, Latin America would remain under the yoke of colonialism.

85. *Mr. Cafiero withdrew.*

86. *At the invitation of the Chairman, Mr. McClintock (President, Puerto Rican Senate) took a place at the petitioners' table.*

87. **Mr. McClintock** (President, Puerto Rican Senate) said that although Puerto Rico was a territory that was yet to achieve a full measure of self-government, that did not mean that it was incumbent upon the Committee to take action in its favour. By virtue of General Assembly resolution 1514 (XV), the scope of the Committee's work was limited to promoting independence; that status had been repeatedly rejected by the people of Puerto Rico. Instead, Puerto Ricans had consistently favoured status options that allowed them to keep American citizenship and enjoy a continuing relationship with the United States.

88. Moreover, the General Assembly had resolved through resolution 1541 (XV) that, besides independence, there were two other ways whereby a territory could achieve full self-government, i.e. unilaterally revocable free association with an independent State, and complete and permanent integration with an independent State on equal footing, the latter of which would imply statehood for Puerto Rico.

89. The Committee and the General Assembly should refrain from taking action on the issue mainly because — inasmuch as Puerto Ricans were natural-born American citizens — the island's ultimate political status and the process by which it was achieved was essentially a domestic matter for the United States, and should therefore be decided by the American citizens residing in Puerto Rico and the United States Congress. In that connection, a self-determination initiative, known as the Puerto Rico Democracy Act, was currently pending approval in the United States Congress. He fully supported the Act and urged the Committee to allow the congressional process to continue through to its conclusion.

90. Regarding Governor Acevedo Vilá, he said that the Governor lacked the standing to speak before the Committee on behalf of the Puerto Rican people, since he and his party had lost public support. Furthermore, the Committee should be aware that the Governor was advocating sovereignty for Puerto Rico under a so-called "New Enhanced Commonwealth" status. The Governor had disingenuously failed to acknowledge that a relationship with the United States based on sovereignty required that Puerto Rico first obtain its independence and then, as a sovereign State, negotiate an association with the United States. Given that the United States Government would reject the proposal of a New Enhanced Commonwealth on constitutional and policy grounds, the Governor's insistence on such an arrangement would inevitably lead to the end of any self-determination process and the perpetuation of the current territorial status — which was the aim of the Governor's party.

91. With regard to the Governor's assertion that the United States had deceived the international community, in 1953, it was a fact that Puerto Rico was subject to the United States Government under the Territory Clause of the United States Constitution, and the United States had never stated the contrary. Therefore, it did not have to clarify the statements it had made before the General Assembly, which had led to the approval of resolution 748 (VIII).

92. He was highly optimistic that Puerto Rico would achieve full self-government in or before 2012.

The meeting rose at 1 p.m.